

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

KERI BOEHM,)	
)	
Plaintiff,)	8:12CV198
)	
V.)	
)	
UNITED STATES POSTAL SERVICE,)	ORDER
)	
Defendant.)	

On June 6, 2013, Plaintiff filed a motion for summary judgment ([filing 41](#)). On June 27, 2013, Defendant filed a cross-motion for summary judgment ([filing 45](#)). Along with its cross-motion, Defendant filed a combined brief ([filing 47](#)), offered both in support of Defendant's cross-motion for summary judgment and in opposition to Plaintiff's motion for summary judgment. On July 1, 2013, Plaintiff filed a reply brief supporting her motion for summary judgment ([filing 48](#)) and a separate brief opposing Defendant's cross-motion for summary judgment ([filing 49](#)). Though filed separately, Plaintiff's briefs (Filing Nos. [48](#) and [49](#)) appear to be identical.

On July 2, 2013, Defendant moved for a four-day extension of time to respond to Filing Nos. 48 and 49 ([filing 52](#)), which was granted by the Court. Shortly after the motion was granted, Plaintiff filed a response ([filing 54](#)), arguing that Defendant does not have the right to file a response to Filing No. [48](#), which is Plaintiff's reply brief supporting her motion for summary judgment.

Defendant concedes, and the Court clarifies, that Defendant's motion for extension of time, which was previously granted, only applies to Defendant's deadline for filing its reply brief in support of its cross-motion. Defendant has not at this time been given leave to file a sur-reply brief concerning Plaintiff's motion for summary judgment.

Defendant now requests leave ([filing 54](#)) to file a sur-reply to Defendant's reply brief supporting Defendant's cross-motion for summary judgment. However, Defendant's reply brief has not been filed and likely will not be submitted until the July 12, 2013 deadline. Should Plaintiff desire to file a sur-reply brief once Defendant's reply brief is filed, she may move to do so. However, until such time as Defendant's reply brief is actually filed, Plaintiff's motion for leave is premature.

Accordingly,

IT IS ORDERED that Plaintiff's motion for leave to file a sur-reply brief ([filing 54](#)) is denied as premature at this time. Plaintiff may renew its motion for leave after Defendant's submission of its reply brief.

DATED July 8, 2013.

BY THE COURT:

**S/ F.A. Gossett
United States Magistrate Judge**